



Michael L. Parson
Governor
State of Missouri

Kathleen (Katie) Steele Danner, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
Chloria Lindley-Myers, Director

Missouri Real Estate Commission
3605 Missouri Boulevard
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Executive Director

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December 14, 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 9414 7266 9904 2081 8290 87

Donny Seymour Chilton
PO Box 777
Cape Girardeau MO 63702

RE: Missouri Real Estate Commission vs. Donny Seymour Chilton (2009003194)

Dear Mr. Chilton:

Please find enclosed a copy of the Complaint filed with the Administrative Hearing Commission, the Administrative Hearing Commission's Default Decision, and the Missouri Real Estate Commission's Findings of Fact, Conclusions of Law and Disciplinary Order in the above referenced case.

Sincerely,

A handwritten signature in cursive script that reads "Terry W. Moore".

Terry W. Moore
Executive Director

TWM/cmc

Enclosures

c: Ross Kaplan (inter-agency mail)
Donny Seymour Chilton (regular mail)

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 18-0192 RE
)	
DONNY SEYMOUR CHILTON)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

On or about August 28, 2018, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Donny Seymour Chilton*, No. 18-0192 RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Donny Seymour Chilton's real estate Broker Associate license (license no. 2009003194) is subject to disciplinary action by the Missouri Real Estate Commission ("Commission") pursuant to § 339.100.2, (15) RSMo.¹

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission including the properly pled complaint and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on December 5, 2018, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent's license. All of the members of the Commission were present throughout

¹ All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

the meeting. Further, each member of this Commission has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Ross Kaplan. Respondent having received proper notice and opportunity to appear did not appear in person or through legal counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

I.

FINDINGS OF FACT

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the properly pled Complaint and the Default Decision of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Donny Seymour Chilton*, Case No. 18-0192 RE, issued August 28, 2018, in its entirety and takes official notice thereof.

3. The Commission set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion. Respondent failed to appear in person or through legal counsel at the hearing before the Commission.

4. This Commission licensed Respondent Donny Seymour Chilton as a real estate Broker Associate, license number 2009003194. Respondent's Broker Associate license was not current at all times relevant to this proceeding. On July 5, 2017, Respondent's Broker Associate

license was suspended due to HB600 and on June 30, 2018, Respondent's Broker Associate license expired.

II.

CONCLUSIONS OF LAW

5. This Commission has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

6. The Commission expressly adopts and incorporates by reference the properly pled complaint and Default Decision issued by the Administrative Hearing Commission dated August 28, 2018, in *Missouri Real Estate Commission v. Donny Seymour Chilton*, Case No. 18-0192 RE, takes official notice thereof, and hereby enters its conclusions of law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated August 28, 2018, Respondent's real estate Broker Associate license, number 2009003194, is subject to disciplinary action by the Commission pursuant to § 339.100.2 (15) RSMo.

8. The Commission has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate Broker Associate license of Donny Seymour Chilton (license no. 2009003194) is hereby **REVOKED**. All evidence of Respondent's licensure shall be immediately returned to the Commission within 30 days of this Order along with a Closing of a

Real Estate Brokerage/Sole Proprietorship form for The Property Shop SEMO LLC, if Respondent has not already done so.

The Commission will maintain this Order as an open, public record of the Commission as provided in Chapters 339, 610 and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 14TH DAY OF DECEMBER, 2018.

MISSOURI REAL ESTATE COMMISSION


Terry W. Moore, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



REAL ESTATE COMMISSION

Petitioner,

v.

DONNY S. CHILTON

Respondent,

No. 18-0192

DEFAULT DECISION

On March 19, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by personal service on May 24, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on August 28, 2018.

A handwritten signature in cursive script, reading "Renee T. Slusher", is written over a horizontal line.

RENEE T. SLUSHER
Commissioner

FILED

March 19, 2018

ADMINISTRATIVE HEARING
COMMISSION

**BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI**

**MISSOURI REAL ESTATE
COMMISSION
3605 Missouri Boulevard
P.O. Box 1339
Jefferson City, MO 65102,
(573) 751-2628**

Petitioner,

v.

Case No. _____

**DONNY S. CHILTON
151 S. Spanish St.
Cape Girardeau, MO 63703
Telephone: 314-807-6351**

Respondent.

Alternate address:

**PO Box 1307
Cape Girardeau, MO 63702**

COMPLAINT

Petitioner, the Missouri Real Estate Commission ("MREC"), by and through counsel, the Missouri Attorney General, states the following for its cause of action:

1. The MREC is an agency of the State of Missouri, created and established pursuant to §339.120¹ for the purpose of executing and enforcing the provisions of §§ 339.010 to 339.205 and 339.710 to 339.855.

2. Respondent Donny S. Chilton ("Chilton") holds real estate broker associate license no. 2009003194, which was suspended by operation of law pursuant to §324.010. Chilton's license does not expire until June 30, 2018.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045 and 339.100.

4. Chilton's address registered with the MREC is P.O. Box 1307 Cape Girardeau, MO 63702.

5. On April 6, 2017, the Missouri Department of Revenue ("DOR") notified Chilton at the same address as is registered with the MREC that:

- A. he had an outstanding tax balance owed to the State from the 2012 tax year;
- B. failure to pay the owed state income taxes would result in a suspension of his professional license; and
- C. the date of the suspension of his professional license would be June 25, 2017.

¹ All statutory citations are to the 2016 RSMo unless otherwise noted.

6. On April 7, 2017, the MREC notified Chilton at the address registered with it that:

- A. the DOR had alerted the MREC to Chilton's noncompliance with §324.010; and
- B. if the matter was not resolved, Chilton's license would be suspended on June 25, 2017.

7. On July 5, 2017, the MREC notified Chilton by certified mail at the address registered with it that:

- A. the DOR had alerted the MREC that the tax issue remained unresolved;
- B. Chilton's license was suspended by operation of law; and
- C. within 10 days, Chilton must send the MREC: a completed affidavit for the closing of his real estate firm along with his license and any licenses affiliated with the company ("closing documents"), or a completed MREC Change in Designated Broker form.

8. The July 5, 2017 notification was returned to the MREC as unclaimed.

9. On August 18, 2017, the MREC notified Chilton at the address registered with it that:

- A. the MREC had not received Chilton's closing documents or a completed Change in Designated Broker form; and
- B. Chilton was put on formal notice that he had 30 days to either return the closing documents or a Change in Designated Broker form.

10. To date, Chilton has neither provided the closing documents nor the Change in Designated Broker form to the MREC.

11. Section 339.100 provides in part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

...
(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860[.]

12. Title 20 CSR 2250-8.170(1) states:

Failure of a licensee to respond in writing, within thirty (30) days from the date of the commission's written request or inquiry, mailed to the licensee's address currently registered with the commission, will be sufficient grounds for taking disciplinary action against that licensee.

13. By failing to respond in writing within thirty days from the date of the MREC's written inquiries of July 5, 2017 and August 18, 2017, which were mailed to Chilton's address that was registered with the MREC, Chilton violated 20 CSR 2250-8.170(1). Each failure to respond is a separate and sufficient cause to discipline Chilton's license pursuant to §339.100.2(15).

14. Based upon the allegations set forth herein, cause exists to discipline Chilton's real estate broker associate license under §§339.100.2(15).

WHEREFORE, Petitioner requests that the Administrative Hearing Commission conduct a hearing in this case pursuant to Chapter 621, RSMo, and issue its Findings of Fact and Conclusions of Law determining that Petitioner may take disciplinary action against the license of Respondent Donny S. Chilton for the violations noted above, and for such other relief as the Commission deems appropriate.

Respectfully submitted,

Joshua D. Hawley
Attorney General

/s/ Ross Kaplan

Ross Kaplan
Assistant Attorney General

Missouri Bar No. 62990

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Attorneys for Petitioner